

REMARKS

Reconsideration and entry of the subject amendment is courteously requested. It is respectfully submitted that the subject amendment, more particularly, the amendment of each of the independent claims (i.e., claims 1, 11, & 53) overcomes the non-art rejections, more particularly, the §112, ¶2 rejection of claims 11 and 53 (at paragraph 9 of the DETAILED ACTION), and the §101 rejection of claims 1, 11, and 53 (at paragraph 13 of the Action). Further clarifying amendments of the independent claims, and those conforming the claims depending therefrom (i.e., claims 2-7, 9, 10, 12, and 14-16), have likewise been made. As will be subsequently detailed, it is respectfully submitted that as a matter of law, a prima facie case of obviousness has not be established, and that the claims, as particularly amended, are in condition for allowance. Alternatively, as the subject amendment places the rejected claims in better form for consideration for appeal, entry of same is kindly requested.

Amended Independent Claims 1, 11 & 53

The subject claims have been amended to further clarify and emphasize the character of Applicants' methodology as a reading tool, for example, to improve the reading experience of reader of an electronic book (see www.livebook.com, Live Ink®, Walker Reading Technologies, Inc.). In furtherance thereof, the terms "text," "text content," and "word order" have been replaced with the terms

"sentence," "character content," and "character sequence" respectively.

Applicant's methodology is a verbatim visual transformation of a literary work, more particularly, a verbatim enhanced reading product display of a sentence having an author/editor specified character sequence. Applicant's reading product sentence display: (1) introduces and maintains no marks, symbols, numbers etc. in the display area with the characters of the author/editor-specified character content; and, (2) retains a verbatim sequence (i.e., a reading sequence) of the characters of the author/editor-specified character content. Applicant's subject matter is not, nor is it somehow related to: a presentation of multiple analyses in dependency grammar (van Zuijlen); a language grammar teaching puzzle (McCloskey); an apparatus for the brief exposure of visual stimuli that is used in the study of learning, attention, and perception (Gross et al.); nor, a "data" visualization tool (Strasnick et al.).

van Zuijlen: Claims 1, 6-8, 10-13, 16 & 53

As van Zuijlen admittedly lacks Applicant's requirements of (1) "'only' author specified text" and, (2) maintenance of "author specified word order," the Examiner concludes that the first requirement is obvious "because van Zuijlen teaches analysis of sentences," and finds a suggestion for the second requirement in the reference itself, "because van Zuijlen teaches all possible

dependents of each word based on rank order and interpretations." It is respectfully submitted that an improper hindsight "reconstruction" of Applicant's claimed invention has been conducted by relying on isolated teachings of van Zuijlen without considering the over-all context within which those teachings are presented.

First, it is acknowledged that van Zuijlen "teaches analysis of sentences." More particularly, a syntactic network (FIG. 12) is determined for a natural language word sequence which is represented as a tree consisting of nodes coded by identifiers. The subject network of coded nodes is intended "to offer a compact representation for the multiple analyses of ambiguous sentences and furthermore a parser that generates such representation efficiently" (1:27-31, emphasis supplied).

In contradistinction to Applicant's reading tool, van Zuijlen provides an analytical tool. The obfuscation of van Zuijlen's analytical aides (i.e., labels and linkages for and between the words of an author/editor-specified character content, see any of FIGS. 1-4, or 6-17) is the antithesis of a reading aid. As Applicant clearly, and unambiguously contemplates reading, not analysis, let alone multiple analyses, and further still, not a compact representation for the multiple analyses, the subject rejection is improper, all claims being patentably distinct from van Zuijlen. Only with improper hindsight would one know what

features of van Zuijlen to essentially ignore (e.g., an essential feature of the invention, namely, nodes coded by identifiers), and in doing so, the sought after van Zuijlen advantage would be lost (i.e., the compact representation for the multiple analyses of ambiguous sentences).

Second, any "suggestion" from van Zuijlen of maintaining author specified word order in the display, while, for the sake of argument, nonetheless doing all other of Applicant's claimed method steps or operations, is misplaced because van Zuijlen's analysis method results in a re-sequencing of characters of a verbatim sequence of the characters of the author/editor-specified character content (see the syntactic network structure of FIG. 12). It is far from clear how an explicit teaching can suggest an inapposite teaching. Again, it is only via the application improper hindsight that one might pick and choose which features of van Zuijlen to retain and which to discard in reconstructing Applicant's invention. Thus, the rejection on van Zuijlen should be withdrawn, and all remaining claims (i.e., claims 1-12, 14-16, and 53) passed to allowance.

van Zuijlen & McCloskey: Claims 2 & 9

The subject combination is improper as there exists no suggestion or motivation, from the references themselves, to do so. The inclusion or importation of McCloskey's parts of speech coloration would be needless surplusage in the context of van

Zuijlen's alpha/alpha-numeric code for identifying same. As such the rejection of claims 2 and 9 is improper, said claims likewise in condition for allowance.

van Zuijlen & Gross et al.: Claims 3-5, & 15

First, the subject combination is improper as there exists no suggestion or motivation, from the references themselves, to combine Gross et al. with van Zuijlen. As van Zuijlen is concerned specifically and exclusively with the compact representation of multiple analyses of ambiguous sentences via a lingering temporal display for study, the inclusion of any notion of text advancement with respect thereto is nonsensical: van Zuijlen displays a syntactic network sentence structure for study, whereas Gross et al. teach, in contradistinction, a brief, flashed visual presentation of information in furtherance of training the eye "to 'leap' from one fixation point to the next across a line and down a page of text" (4:21-23).

Second, and more particularly, Gross et al. do not in fact disclose Applicant's claim 15 feature of horizontal and vertical displacement, namely, that which is being borrowed for combination with van Zuijlen:

Each successive group of words occupies a position during the **transitory presentation that is equivalent to the actual position** occupied by that group of words within the text line, and also within the body of text (8:9-13, emphasis supplied).

Gross et al. do not teach horizontal and vertical displacement of sentence segments, instead, they assign, to each segment, the

particular x-y coordinates on a screen that result geometrically from the sequential, linear laying down of the string of text characters across the page, new rows being formed when the width of the page is reached. The apparent variation in x-y positions of the segments shown in Gross et al.'s FIGS. 8-10 is actually referring to different segments that are to be shown in temporal sequence. Gross et al. do not teach or disclose a means to assign a different x-y position for a particular segment other than the x-y position that results from undifferentiated word-wrapping.

The illustrations herewith as ATTACHMENT A show what Gross et al.'s method does, across multiple, specific, transitory moments of presentation. The "actual position occupied" by each group of words "within the text line" and "within the body of text" is denoted by use of black font for the group of words being shown at any given moment, with the remainder of the "text lines" and the "body of text," which would have been kept completely invisible based upon the Gross et al. teaching, is retained for purposes of illustration, in a grey font. Thus, as the alleged combination lacks Applicant's displacement requirements, claim 15 is in condition for allowance on this further basis.

van Zuijlen & Strasnick et al.: Claim 14

Strasnick et al. teach navigation, more particularly, a framework or system within which data or information selection from an otherwise unmanageable data volume (i.e., "a three dimensional

information landscape" (see Title)) is facilitated. A spotlight (i.e., a location aid) is utilized to highlight (i.e., select) a graphical object (i.e., data or other compilation thereof) in x-y-z space containing an aggregation of graphical objects. van Zuijlen, on the other hand, displays a sentence in two dimensions (i.e., x-y space). There exists no need for navigation, and there is no "three dimensional information landscape." Furthermore, as van Zuijlen sought to "unambiguously code" multiple analyses of a single sentence in two dimensional space using clear and concrete, inherently meaningful elements such as labels and linkages, it would be inconsistent therewith to introduce a view or display having no inherent meaning from Strasnick et al. as part of an unambiguous code. With there being no suggestion or motivation to combine the references as proposed, without improper hindsight, it is respectfully requested that the rejection be withdrawn, and claim 14 is likewise allowed.

CONCLUSION

For the reasons above, it is respectfully submitted that upon entry of the subject amendment, the case is in condition for allowance, or alternately, in better form for consideration for appeal. Early reconsideration and favorable action are solicited.

Please charge any deficiencies or credit any over payment to
Deposit Account 14-0620.

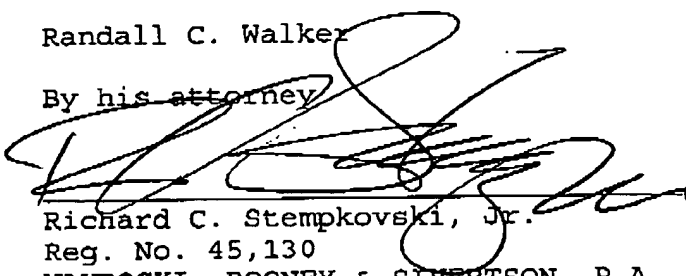
Respectfully submitted,

Randall C. Walker

By his attorney

Date

7/2/04



Richard C. Stempkowski, Jr.
Reg. No. 45,130
NAWROCKI, ROONEY & SIVERTSON, P.A.
Suite 401, Broadway Place East
3433 Broadway St. N.E.
Minneapolis, MN 55413
(612) 331-1464

ATTACHMENT A

Time = 01 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text.

02 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text.

03 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text.

04 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text.

05 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text.

A

1/3

06 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text.

07 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text.

08 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text.

09 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text.

10 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text

A
2/3

11 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text

12 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text

13 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text

14 sec

Each successive group of words occupies a position during the transitory presentation that is equivalent to the actual position occupied by that group of words within the text line, and also within the body of text

A
3/3